

UNITED STATES DISTRICT COURT

Jane Thompson
432 Sloan Avenue
Oaklen, New Jersey 08107

Plaintiff

v.

National Credit Systems
PO BOX 312125
Atlanta, Georgia 31131

and

Woodsvew/ Tesco Properties
1424 Woodland Drive
Henderson, KY 42420

Michelle Fairchild -Property Manager
Woodsvew/ Tesco Properties
1424 Woodland Drive
Henderson, KY 42420

Defendant

CIVIL ACTION NO:

07cv3367(JBS)

COMPLAINT

(Unlawful Debt Collection)

COMPLAINT

I. PRELIMINARY STATEMENT

1. The plaintiff, Jane Thompson ("Thompson"), in this action is an individual who has been subjected to abusive, fraudulent and illegal debt collection activities. The plaintiff seeks compensatory, and

statutory damages against Collector, defendants, National Credit Systems ("National") and Woodsvlew /Tesco Properties ("Tesco"), and Michelle Fairchild ("Fairchild") under the FDCPA.

2.

II. JURISDICTION

2. This Court has jurisdiction over the matter under 28 U.S.C. § 1331, 1337, 15 U.S.C. § 1692k.

III. PARTIES

3. Plaintiff, Jane Thompson, ("Thompson"), is an individual residing at 432 Sloan Avenue Oaklyn, New Jersey 08107.

4. Defendant, Michelle Fairchild ("Fairchild"), is an agent/employee/owner, of Woodsvlew / Tesco Properties, with an office located at 1424 Woodland Avenue, Henderson, Kentucky 42420.

5. Defendant, Woodsvlew / Tesco Properties ("Tesco") is a company with an office located at 1424 Woodland Avenue, Henderson, Kentucky 42420.

6. Defendant, National Credit Systems, ("NCS") Collector, is a Corporation with an address PO BOX 312125, Atlanta, Georgia 31131.

7. Defendant, NCS, is and was at all relevant times a collection agency whose practice consists primarily of collections of debt alleged to be due to another.

8. Defendant, NCS, is in the business of buying up bad or outstanding debts and collecting on those debts during and past the legal statute of limitations.

9. Defendant, NCS, regularly attempts to collect debts alleged to be due to another

IV. FACTUAL ALLEGATIONS

10. On or about February 8, 2006, Plaintiff, Jane Thompson, sent a letter and a check to Defendant, National Credit Services, settling a previous debt with Capstone Properties for an apartment where she resided in State College Pennsylvania. (See Exhibit A)

11. On or about February 20th 2006, Defendant, NCS, sent a letter attempting to collect a different debt allegedly owed by Plaintiff Jane Thompson. (See Exhibit B)

12. On or about March 13th, 2006, Plaintiff Jane Thompson sent a letter to NCS disputing the claim and asking for verification of the alleged debt. In that letter, Plaintiff denied this specific debt and moreover, stated she did not have knowledge of such debt. (See Exhibit C)

13. On or about March 22nd, 2006, NCS sent a letter in response signed by Collection Representative Letrisha Chatman and attached a fax dated April 26, 2005, titled ATTEMPT TO COLLECT A BAD DEBT, signed by an M. Fairchild without any further identifying information and sent by regular mail. This attachment letter gave an address of a Jane Thompson at "1424 Woodland," without any further identifying information, at a Woodsvlew Apartments, without any further information, which was not an address where Plaintiff ever resided, and without further explanation. (See Exhibit D)

14. A short time later, Plaintiff examined her credit report and saw no outstanding debt from Defendant and thought that the matter was cleared from her record as an error.

15. Yet, on or about March 21, 2007, Plaintiff was denied approval on a home equity line of credit as

the direct result of the above fraudulent, invalidated and disputed debt. (See Exhibit E)

16. After Plaintiff contacted the Federal Trade Commission, and researched the collection agency and underlying party, on or about April 2, 2007, Plaintiff contacted the property manager M. Fairchild, and Tesco Properties, Woodsvlew Apartments by letter, to inform them that they were still pursuing the wrong Jane Thompson. (See Exhibit F)

17. On or about April 6th, 2007, Plaintiff contacted NCS representative, Letrisha Chatman, in order to resolve the matter. Ms. Chatman repeatedly hung up on Plaintiff, refusing to give Plaintiff any verification, information or resolution regarding the debt. Instead, Ms. Chatman offered an erroneous social security number which Plaintiff pleaded was not hers and thus proved that this was not her debt. Plaintiff obtained no relief.

18. As a result of the acts alleged above, plaintiff Jane Thompson has suffered financial harm as the result of being unable to secure a home equity loan as well as physical harm - illness requiring medical treatment and medication, headaches, nausea, embarrassment, emotional distress, depression and lives

in fear of further harm to her reputation and livelihood as a result of this debt.

V. CAUSES OF ACTION

FIRST CLAIM - FAIR DEBT COLLECTION PRACTICES ACT

19. Plaintiff hereby incorporates paragraphs 1-18 above as fully set forth herein.

20. Defendant National Credit Systems ("NCS") is a debt collector as defined by the FDCPA, 15 U.S.C. § 1692a(6).

21. Defendant violated the FDCPA in it's course of conduct with the plaintiff by:

a. Directly and through it's agents and employees, violated 15 U.S.C. § 1692b(1) by not revealing proper identification or location.

b. Directly and through it's agents and employees, violated 15 U.S.C. § 1692b(2) by stating the consumer owes a debt.

c. Directly and through it's agents and employees, violated 15 U.S.C. § 1692d by

engaging in conduct the natural consequence of which was to harass, oppress or abuse.

d. Directly and through agents and employees, violated 15 U.S.C § 1692e by making or causing to be made false, deceptive and misleading representations to plaintiff in connection with defendant's debt collections efforts including:

- i. False representations as to the character, amount and/or legal status of the alleged debt.
- ii. Failure to disclose clearly in all written any telephone communications made or caused to made to plaintiff by said defendant that the communication was made to collect debts and information obtained would be used for that purpose.
- iii. The threat to take action that cannot be legally taken by defendant.

22. Defendant violated 15 U.S.C. § 1692g by failing to provide adequate notice of the plaintiff's right to challenge the validity of the alleged debt.

23. Defendant violated 15 U.S.C. § 1692g(a) by failing to provide validation of debt.

24. Defendant violated 15 U.S.C. § 1692g(b) by failing to provide validation of disputed debt.

25. As a result of the above violations of the FDCPA, Defendant is liable to plaintiff for her actual damages, including out of pocket losses and emotional distress, statutory damages of \$1000.00 per incident, costs, punitive damages and attorney fees.

SECOND CLAIM - FRAUD

26. Plaintiff hereby incorporates paragraphs 1-25 above as fully set forth herein.

27. Defendant directly and through it's agents and employees invaded the privacy of Plaintiff by causing the Plaintiff to suffer false debt, resulting in financial and emotional harm.

WHEREFORE, Plaintiff respectfully prays that judgment be entered in her favor against the defendant in the amount of \$250,000.00 including:

- A. Actual Damages;
- B. Statutory Damages pursuant FDCPA violations;
- C. Costs and reasonable attorneys' fees and;
- D. Such other further relief the Court deems just and proper.



David J. Khawam, Esquire
Attorney For Plaintiff
216 Haddon Avenue, Suite 604
Westmont, NJ 08108
(856) 858-1011

Dated: 7-20-07

EXHIBIT A

LETTER FROM PLAINTIFF DATED FEBRUARY 8, 2006

February 8, 2006.

National Credit Services
PO Box 312125
Atlanta, GA 31131

To Whom It May Concern:

Enclosed is a check to settle the following account:

- Acct #: 44

Upon receipt and acceptance (i.e. cashing) of this check indicates that this account is settled and paid in full. Please mail me a settlement letter indicating that the above account has been settled and closed.

Thank you,

Jane Thompson

EXHIBIT B

LETTER FROM NATIONAL CREDIT SYSTEMS, INC. DATED FEBRUARY 20, 2006



National Credit Systems, Inc. P.O. Box 312125 Atlanta, Ga. 31131 (800) 367-1050 (404) 629-9595

02/20/2006

Jane Thompson
432 Sloan Ave
Oaklyn NJ 08107

Client: WOODSVIEW / TESCO PROPERTIES
Client Account Number: 44
Current Account Number: 1059872

Balance: 1 Account(s) for \$1,900.94

Your check for \$175.00 was returned to us by your bank.

This letter shall serve as official notification that certified funds are due immediately to remedy this matter. This letter may serve as your only notification of this matter. Your response to this notification is required immediately. If a response is not received, National Credit Systems will immediately pursue remedies applicable under Federal and State Law.

Time is of the essence.

Sincerely,

REGINA BRAND
Collection Representative
404-592-0201

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This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for this purpose.

EXHIBIT C

LETTER FROM PLAINTIFF DATED MARCH 13, 2006

March 13, 2006

432 Sloan Ave
Oaklyn, NJ 08107

National Credit Systems, Inc
PO Box 312125
Atlanta, GA 31131

Dear Collection Agency,

This is a dispute to the claim you make in your attached letter. This is not a refusal to pay, but a notice that your claim is disputed.

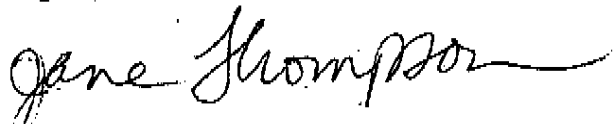
You are now on notice that this debt is disputed. If you report it to a CRA and fail to include a dispute notation, per 15 U.S.C. § 1681 (a)(1)(B) and subsequent sections, you are in violation and I intend to pursue my rights to the fullest extent of the law. If you intend to correspond without validation, I will vigorously enforce all my rights under both FDCPA and FCRA, as well as Civil Law, Common Law and the Uniform Commercial Code.

This is a request for validation made pursuant to the Fair Debt Collection Practices Act. Please be advised that this is not a request for "validation" that you have my mailing address. I am requesting a "validation" of the original debt; that is, competent evidence that I have some contractual obligation to pay you, and this is not an attempt of fraud, or defamation of my character, or theft of my identity.

Please also be aware that if any negative mark is found on my credit reports from your company or any company that you represent, this will result in my filing an immediate lawsuit against you and your client for 1) Violation of the Fair Credit Reporting Act, 2) Violation of the Fair Debt Collection Practices Act, 3) Defamation of Character, and 4) Negligent Enablement of Identity Fraud. This includes, but is not limited to: falsely reporting the Date of Opening, Date of Last Payment, Date of Last Activity, or Frozen/Paid/Closed dates under each corresponding credit reporting agency's terms, and section 623 of the FCRA.

Under the FDCPA, I request that all further communications be sent through the USPS under federal time stamp. Please provide validation of this debt and its authenticity, current proof of your licensing credentials, proof of your licensing in both your state of incorporation and licensing in the State of Pennsylvania.

Regards,



Jane Thompson

EXHIBIT D

LETTER FROM NATIONAL SYSTEMS, INC. DATED MARCH 22, 2006



National Credit Systems, Inc. P.O. Box 312125 Atlanta, Ga. 31131 (800) 367-1050 (404) 629-9595

03/22/2006

Jane Thompson
432 Sloan Ave
Oaklyn NJ 08107

Client: WOODSVIEW / TESCO PROPERTIES
Client Account Number: 44
Current Account Number: 1059872

Balance: 1 Account(s) for \$1,930.94

Enclosed you will find copies requested. If you have any questions please contact this office immediately.

We extend this opportunity to settle this debt in a friendly manner. You may send your payment in full to National Credit Systems, Inc. or call (404) 629-2728 at once.

Sincerely,

LETRISHA CHATMAN
Collection Representative
404-592-0201

LTR 10

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for this purpose.

04/26/2005 11.11

12788269818

WOODSVIEW APTS

PAGE 02

ATTEMPT TO COLLECT A BAD DEBT

Date 3/18/05
 Name Jane Thompson
 Former Address 1424 Woodland
 Property Name Woodview

The purpose of this letter is to collect a debt. Any information obtained will be used for that and other purposes allowed by law. Please be advised that you have 10 days from the above date to pay the balance below. In the event that you have not contacted us within the 10 days, then this account will be placed with the following collection agency:

National Credit
P.O. Box 3125
Atlanta Ga 31131

Any correspondence or dialogue after the initial 10-day period should be done through the collection agency at the address above.

Balance now due:

\$ 0 Rent from _____ to _____
 \$ - Termination Fee Due
 \$ 1691.00 Damages
 \$ 200.00 Other Legal Fees
 \$ 50.00 Minus Security Deposit
 \$ 1840.94 Total Due

To set up payment arrangements, contact

_____ Property Manager
826-1107 Phone Number

Thank you in advance for your cooperation.

Sincerely,

M. Buckle

©1998 TESCO Form #728
 Reorder from Elm Creek Communications Phone 801 791-6160 Fax 801 791-6171

EXHIBIT E

LETTER DENYING A HOME EQUITY LINE OF CREDIT TO PLAINTIFF

Consumer Loan Center
2730 Liberty Avenue
Pittsburgh, PA 15222



March 21, 2007

Brian J. Wheeler
Jane I. Thompson
432 Sloan Avenue
Oaklyn, NJ 08107

0257

**IMMEDIATE ACTION
REQUESTED**

Please contact us at
1-888-PNC-BANK
option 3-1-2

Re: Application Number 11578540

Dear Brian Wheeler and Jane Thompson,

Thank you for choosing PNC Bank, N.A. for your borrowing needs. Unfortunately, we cannot approve your loan application because we were unable to obtain the following information from you:

1. satisfactory documentation providing verification of release of lien/judgement/garnishment

If you are still interested in a loan and would like to provide the missing information described above, please call 1-888-PNC-BANK option 3-1-2 with the application number noted below your address.

We thank you for the opportunity to serve you, and invite you to think of our financial institution for all of your financial needs.

The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is: Comptroller of the Currency, Customer Assistance Group, 1301 McKinney Street, Suite 3450, Houston, TX 77010-9050



EXHIBIT F

LETTER FROM PLAINTIFF DATED APRIL 2, 2007

April 2, 2007

Dear Tesco Property Manager

This is a dispute to the claim you make in your attached letter. This is not a refusal to pay, but a notice that your claim is disputed.

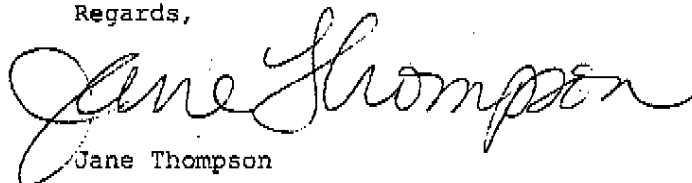
You are now on notice that this debt is disputed. If you report it to a CRA and fail to include a dispute notation, per 15 U.S.C. § 1681 (a)(1)(B) and subsequent sections, you are in violation and I intend to pursue my rights to the fullest extent of the law. If you intend to correspond without validation, I will vigorously enforce all my rights under both FDCPA and FCRA, as well as Civil Law, Common Law and the Uniform Commercial Code.

This is a request for validation made pursuant to the Fair Debt Collection Practices Act. Please be advised that this is not a request for "validation" that you have my mailing address. I am requesting a "validation" of the original debt; that is, competent evidence that I have some contractual obligation to pay you, and this is not an attempt of fraud, or defamation of my character, or theft of my identity.

Please also be aware that if any negative mark is found on my credit reports from your company or any company that you represent, this will result in my filing an immediate lawsuit against you and your client for 1) Violation of the Fair Credit Reporting Act, 2) Violation of the Fair Debt Collection Practices Act, 3) Defamation of Character, and 4) Negligent Enablement of Identity Fraud. This includes, but is not limited to: falsely reporting the Date of Opening, Date of Last Payment, Date of Last Activity, or Frozen/Paid/Closed dates under each corresponding credit reporting agencies terms, and section 623 of the FCRA.

Under the FDCPA, I request that all further communications be sent through the USPS under federal time stamp. Please provide validation of this debt and its authenticity, current proof of your licensing credentials, proof of your licensing in both your state of incorporation and licensing in the State of Pennsylvania.

Regards,



Jane Thompson